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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Ondrea Snyder,

Plaintiff,

Case #

v.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

**Prescott Healthcare Solutions, LLC,
d/b/a Optima Medical**

Defendant.

Plaintiff Ondrea Snyder by and through Elizabeth D. Tate, her undersigned attorney of record, submit this Complaint for relief and Demand for Jury Trial pursuant to Federal Rules of Civil Procedure (“FRCP”), Rules 3, 7(a)1, 8(a), and 38(a, b).

1. Plaintiff’s 5 Claims

Count One: 42 U.S.C. 1981 Retaliation for Having Protested Race Discrimination.

Count Two: 42 U.S.C. 1981 – Race Discrimination in Employment.

1 Count Three: Title VII 42 U.S.C. § 2000 e Race Discrimination in
2 Employment.

3 Count Four: Title VII 42 U.S.C. § 2000-3(a) Retaliation for Having Protested
4 Race Discrimination.

5 Count Five: ADEA 29 U.S.C. § 623 Age Discrimination in Employment.

6
7 **2. The Parties, Jurisdiction and Venue**

8 **1.** At all times material to this Complaint, the Plaintiff, Ondrea Snyder
9 (“Nurse Snyder”) and has been:

10
11 (A) an adult resident of Maricopa County, Arizona; and

12 (B) employed by the Defendant, Prescott Healthcare Solutions, LLC, d/b/a Optima
13 Medical as nurse practitioner.

14 (C) a person whose race is African American, and age is over 40.

15 (D) a person who is qualified to perform her job as nurse practitioner.

16
17 **2.** Defendant Prescott Healthcare Solutions, LLC , d/b/a Optima Medical,
18 “Optima” has been at all times material to this Complaint:

19 (A) a domestic for-profit corporation with ten medical offices in various cities in
20 the State of Arizona

21 (B) providing primary care healthcare utilizing physician assistants and nurse
22 practitioners to service its patients.

23 (C) the “employer” of Nurse Snyder.

24
25 **3.** All events alleged herein occurred within the State of Arizona.
26

1 Nurse Snyder by assigning Nurse DeGimano a lighter caseload because Nurse DeGimano
2 is Caucasian and younger than Nurse Snyder.

3 **11.** Additionally, when Nurse Snyder asked for FMLA, Ms. Graham denied Nurse
4 Snyder FMLA but treated a younger Latina nurse more favorably by granting the Latina
5 nurse FMLA when the Latina nurse did not even qualify for FMLA.

7 **11.** Nurse Snyder did not like Ms. Graham's racially derogatory comments and
8 preferential treatment based on age and race that Ms. Graham conferred upon Nurse
9 DeGimano and the Latina nurse. So, in December of 2020, Nurse Snyder complained to
10 Mike O'Neil, Caucasian and in his 40s, about the situation.

12 **12.** On January 13, 2021, Nurse Snyder made a formal complaint about Ms.
13 Graham's discriminating against her for race and age to Katherine Ferrer, Caucasian in her
14 20s, and head of HR. When Ms. Graham found out that Nurse Snyder reported her to
15 Ms. Ferrer in HR, Ms. Graham told Nurse Snyder, "You're done here!" and subjected
16 Nurse Snyder to adverse action by terminating Nurse Snyder.

18 **13.** When Nurse Snyder protested Ms. Graham terminating her, Ms. Ferrer
19 informed Nurse Snyder that Ms. Graham did not have the authority to fire Nurse Snyder
20 and told Nurse Snyder to come back to work. So, Nurse Snyder went back to work.

22 **14.** When Nurse Snyder came back to work, Ms. Graham was angry with her for
23 protesting discrimination. On January 19, 2021, Ms. Graham subjected Nurse Snyder
24 to another adverse action and retaliated against Nurse Snyder by moving Nurse Snyder's
25 office to a hazardous storage closet with a circuit breaker box that emanated EMF
26

1 radiation. Ms. Graham's adverse actions against Nurse Snyder were causally linked to
2 Nurse Snyder protesting discrimination.

3 **15.** Nurse Snyder did not consent nor was she ever consulted or advised that
4 Ms. Graham was going to move her office to the hazardous storage closet. Nurse Snyder
5 reported Ms. Graham the office was moved but no action was taken against Ms. Graham
6 for retaliating against Nurse Snyder. Instead, Nurse Snyder was asked to transfer to
7 another office, but Optima never transferred Nurse Snyder and the discrimination
8 continued.
9

10
11 **16.** Finally, on March 26, 2021, Nurse Snyder could no longer tolerate the
12 discrimination and hostility and was constructively terminated because Optima refused
13 to remediate the hostility and discrimination that Nurse Snyder experienced.

14
15 **17.** Optima's discriminatory hiring decisions overall oppression of Nurse Snyder
16 took a toll on her health As a direct and proximate result of the conduct described
17 above by Optima, Nurse Snyder has suffered damages including loss of self-esteem,
18 having to worry about being treated unfairly daily, oppression and harassment.

19
20 **20.** The conduct of Optima alleged herein with respect to Nurse Snyder was done
21 with a deliberate and malicious intent to discriminate against him in violation of federal
22 statutes including, inter alia 42 U.S.C. 1981 and Title VII because of her race and age
23 and treating her disparately as alleged herein. Therefore, Nurse Snyder should be
24 awarded, inter alia, punitive damages.
25

26 **4. Demand for Jury Trial**

Plaintiff demands a trial by jury pursuant to the Seventh Amendment to the United States Constitution, and FRCP Rule 38(a, b).

5. Requested Relief

Count One: 42 USC 1981- Retaliation for Having Protested Race Discrimination.

1. Compensatory and general damages in an amount to be determined by the trier-of-fact

2. Punitive damages in an amount to be determined by the trier of fact

3. Her reasonable attorney's fees and expert fees incurred herein, pursuant to 42 U.S.C. 1988 (b) (c), FRCP Rule 54(d) (2), and LRCiv Rule 54.2.

4. Her taxable costs incurred herein, pursuant to FRCP Rule 54(d) (1), LRCiv Rule 54.1, and 28 U.S.C. 1920.

Count Two: 42 USC 1981-Race Discrimination in Employment

1. Compensatory and general damages in an amount to be determined by the trier-of-fact

2. Punitive damages in an amount to be determined by the trier of fact

3. His reasonable attorney's fees and expert fees incurred herein, pursuant to 42 U.S.C. 1988 (b) (c), FRCP Rule 54(d) (2), and LRCiv Rule 54.2.

4. His taxable costs incurred herein, pursuant to FRCP Rule 54(d)

Count Three: Title VII Retaliation for Having Protested Race Discrimination

1 Compensatory and general damages in an amount to be determined by the trier-of-fact.

2 2. Punitive damages in an amount to be determined by the trier of fact

3 3. Her reasonable attorney's fees and expert fees incurred herein, pursuant to 42
4 U.S.C. 1988 (b) (c), FRCP Rule 54(d) (2), and LRCiv Rule 54.2.

5
6 4. Her taxable costs incurred herein, pursuant to FRCP Rule 54(d)

7 Count Four: Title VII Race Discrimination

8 Compensatory and general damages in an amount to be determined by the trier-of-fact.

9 2. Punitive damages in an amount to be determined by the trier of fact

10 3. Her reasonable attorney's fees and expert fees incurred herein, pursuant to 42
11 U.S.C. 1988 (b) (c), FRCP Rule 54(d) (2), and LRCiv Rule 54.2.

12 4. Her taxable costs incurred herein, pursuant to FRCP Rule 54(d)

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14 Count Five: Age Discrimination in Employment 29 U.S.C. § 623.

15 1. Liquidated damages in an amount to be determined by the trier-of-fact.

16 2. Her reasonable attorney's fees and expert fees incurred herein, pursuant to 42
17 U.S.C. 1988 (b) (c), FRCP Rule 54(d) (2), and LRCiv Rule 54.2.

18 3. Her taxable costs incurred herein, pursuant to FRCP Rule 54(d).

19
20
21 Respectfully submitted this May 22, 2023.

22 /s/ Elizabeth D. Tate

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Elizabeth D. Tate